

**Testimony of Rep. Henry A. Waxman**  
**Committee on Rules**  
**Subcommittee on Technology and the House**

**June 16, 2004**

Mr. Chairman, members of the Subcommittee, thank you for the opportunity to testify today. I am pleased to join my colleague Chairman Davis in discussing jurisdictional issues relating to the House Government Reform Committee.

I want to start by commenting briefly on the issue of whether the Select Committee on Homeland Security should be made a permanent Committee. As I discussed in more detail before the Select Committee's Subcommittee on Rules, I believe the House should look to the Senate model, under which existing Committees with relevant jurisdiction conduct oversight over the agencies in their jurisdiction relevant to homeland security and the Governmental Affairs Committee oversees issues such as coordination of homeland security activities. Under this approach, the House Government Reform Committee could play a role similar to that being played by the Senate Governmental Affairs Committee. This approach would help avoid costs to the taxpayer associated with duplicative oversight.

I also have a few comments relating to the Government Reform Committee's legislative jurisdiction. As you know, the House Government Reform Committee has broad legislative jurisdiction regarding the activities of the federal government, including procurement and civil service matters, among many other areas.

Where a measure proposed in the House contains provisions exempting an individual agency or agencies from government-wide requirements, the measure should be – and generally is – referred to the Government Reform Committee. However, on occasion, the Committee has not received the appropriate referral or conference appointment where a measure does not explicitly reference the law under the Committee's jurisdiction to which the exemption is being made.

For example, sometimes a provision in a bill will state, "notwithstanding any other provision of law" while other times a provision of a bill just includes a directive, which if carried out, would violate a statute over which the Government Reform Committee has jurisdiction.

I will give you one example. The 1949 Property Act is clearly in the Committee's jurisdiction. Sometimes a proposed bill will waive the Property Act and direct the transfer of a piece of property. Other times, a bill will just transfer a piece of property without an explicit waiver of the 1949 Act.

I believe that jurisdiction on such matters should turn on the effect of the measure, not on the technical issue of whether a statute is specifically named. If the end result of a

measure is that an agency is exempt from a statute under the Committee's jurisdiction, the Committee should review the measure.

This extends to broad agency authorization measures containing individual provisions on procurement or other matters under the Committee's jurisdiction. On such measures, the Government Reform Committee should always receive a referral concerning the provisions under the Committee's jurisdiction, and should always be represented on the conference committee with respect to those provisions.

For example, DOD authorization bills often include provisions within our Committee's jurisdiction such as those directing DOD to procure items in a certain way. With such provisions, the authorization bills, in effect, waive government-wide laws within the Government Reform Committee's jurisdiction, such as the law requiring full and open competition. Furthermore, since the Department of Defense accounts for about two-thirds of all procurement dollars, a change for DOD has the effect of being virtually government-wide.

I appreciate the opportunity to share my views on these issues, and hope they are useful in your deliberations.

**Testimony of Rep. Henry A. Waxman  
Select Committee on Homeland Security  
Subcommittee on Rules  
March 24, 2004**

Mr. Chairman, members of the Subcommittee, thank you for the opportunity to testify today. I commend you and your colleagues on the Select Committee on Homeland Security for the work you have done to help facilitate and oversee efforts to protect the security of Americans within our borders.

All of us here share the goal of ensuring that the Department of Homeland Security operates as effectively as possible on security matters. The question is how can Congress promote that end in the most efficient way possible.

One of the key contributions Congress can make is conducting oversight. There is no question that good congressional oversight helps agencies do the best job they can.

The problem we face now is that there are too many Committees reviewing homeland security matters. The Transportation and Infrastructure Committee, the Ways and Means Committee, the Energy and Commerce Committee, the Agriculture Committee, the Judiciary Committee, the Government Reform Committee, and others all conduct oversight of homeland security activities.

The continuation of the Select Committee on Homeland Security compounds this problem. It adds another Committee and another layer of oversight.

We literally have a situation where three committees have authority regarding every program in the Department. One is the traditional authorizing committee; one is Government Reform, which has governmentwide oversight responsibilities; and one is the Select Committee. That's simply too many.

A better model is that used in the Senate. There, the existing Committees with relevant jurisdiction conduct oversight over the agencies in their jurisdiction and the Governmental Affairs Committee oversees issues such as coordination of homeland security activities.

One major advantage of the Senate approach is cost savings to taxpayers. One of the good innovations by the Republicans was reducing the number of congressional committees. We shouldn't now be adding them.

My remarks should not be interpreted as questioning the commitment and efforts of current members of the Select Committee on Homeland Security. In fact, the Committee has done a terrific job.

Rather, my point is that it is not in the long-term interest of the Department of Homeland Security and the taxpayers to have duplicative congressional oversight.

The continuation of the Select Committee on Homeland Security would result in the devotion of substantial resources to activities that the Government Reform Committee and other standing House Committees already are conducting and will continue to conduct.

I urge my colleagues to consider terminating the Select Committee on Homeland Security. Thank you again for the opportunity to comment on this matter today.